

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In The Matter Of:)	Case No. 09-46338-659
)	
Beverly J Pool)	Chapter 13
)	
)	
Debtor,)	
)	
Donald D Pool, Co-Debtor)	
)	
)	#37
U.S. Bank, N.A., or its Successors and)	Hearing Date: January 25, 2010
Assigns)	Hearing Time: 10:00 AM
)	
Movant.)	Continued Date:
)	Continued Time:

The Motion for Relief from the Automatic Stay, filed by U.S. Bank, N.A., or its Successors and Assigns called for hearing.

Upon consideration of the pleadings and the record as a whole, the Court finds and concludes that the Movant has a security interest in the following property:

A TRACT OF LAND BEING PART OF LOT 37 OF PRAIRIE HAUTE TRACT LOCATED IN U.S. SURVEY 3035, TOWNSHIP 48 NORTH, RANGE 2 EAST, LINCOLN COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT MARKING THE SOUTHEAST CORNER OF LOT 37 OF THE PRAIRIE HAUTE TRACT IN U.S. SURVEY 3035, TOWNSHIP 48 NORTH, RANGE 2 EAST, SAID POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF MISSOURI STATE HIGHWAY "C" THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 76 DEG. 35' 00" WEST 886.27 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 76 DEG. 35' 00" 268.00 FEET TO A POINT; THENCE DEPARTING THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY "C" NORTH 13 DEG. 25' 00" EAST 232.03 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF C.B. & Q. RAILROAD; THENCE ALONG SAID SOUTH 81 DEG. 35' 00" WEST 269.02 FEET TO A POINT; THENCE SOUTH 13 DEG. 25' 00" WEST

255.48 FEET TO THE POINT OF BEGINNING, SAID TRACT
CONTAINING 1.500 ACRES, MORE OR LESS.

The Court further finds and concludes that there is no equity in this property for the benefit of the bankruptcy estate; that Movant has not been afforded adequate protection for its interest and that said property is not necessary for an effective reorganization. It is therefore,

ORDERED, ADJUDGED AND DECREED that the stays provided for by Sections 362 and 1301 of Title 11, United States Code, are terminated to permit the Movant to foreclose its security interest in the herein described property and to pursue its remedies in accordance with the security agreement and state law including obtaining possession of the property after foreclosure.

IT IS FURTHER ORDERED that the Chapter 13 Trustee is directed to discontinue payment on all claims secured by the property against which relief from the automatic stay is granted in this Order. The Trustee is directed to resume payment on such claims on notification pursuant to L.B.R. 3021-1 A.

IT IS FURTHER ORDERED that Movant's alternative request to dismiss this bankruptcy case be and it hereby is DENIED, as moot. All further relief prayed for by Movant is hereby DENIED.

Kathy A. Surratt - States
KATHY A. SURRETT-STATES
U.S. Bankruptcy Judge

DATED: January 22, 2010

St. Louis, Missouri

JJH

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